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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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35564	7590	06/26/2006	EXAMINER	
WEATHERLY KERVEN LLC 115 PERIMETER CENTER PLACE SUITE 1082 ATLANTA, GA 30346-5920			OUELLETTE, JONATHAN P	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 06/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/929,859

Applicant(s)

EXALL ET AL.

Examiner

Jonathan Ouellette

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-95 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-95 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20060403, 20011203</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. **Claims 1-95 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fetherston (US 2004/0010517 A1).**
3. As per **independent Claim 1**, Fetherston discloses a method of facilitating compliance with employment laws having varying requirements, and establishing such compliance, the method comprising the steps of: a) receiving a request to interact from an agent of an employer, wherein the received interaction request comprises an action indicator corresponding to a selected employment action (employee interacts with GUI); b) providing access to process documentation related to a process associated with the selected employment action, wherein the process is designed to minimize potential for non-compliance with the employment laws (health and safety, etc.), wherein the process documentation guides the agent through the process via interactions between the agent and the process documentation via the user input and output devices (wizard); c) storing information related to agent interactions with the process documentation in a compliance

data store (slave database); d) generating a compliance report based upon the stored interaction information (Para 0012, Claim 1-2).

4. Fetherston fails to expressly disclose sending the generated compliance report to one or more report agents of the employer via an output device associate with each.
5. However, Fetherston does disclose wherein generating reports required to render the organization compliant to legislative requirements (Para 0012, Claim 2), and it would have been obvious to one of ordinary skill to further forward the report to a **“report agent” for record keeping and data verification purposes.**
6. As per Claim 2, Fetherston discloses f) creating a set of employment actions impacting compliance with the employment laws; g) creating a process associated with each employment action in the set and documentation related to each such process supporting execution of the respective process; h) storing the created set and the created process documentation in a presentation data store
7. As per Claim 3, Fetherston discloses i) reviewing the one or more of the employment laws for requirement and wherein the steps of creating the set of employment actions, processes associated with each action and documentation associated therewith are based upon the requirements determined during the review of the employment laws.
8. As per Claim 4, Fetherston discloses i) updating the created set of employment actions, the created processes and the created documentation based upon developments in human resources best practices.

9. As per Claim 5, Fetherston discloses i) updating the created set of employment actions, the created processes and the created documentation based upon developments in employment law.
10. As per Claim 6, Fetherston discloses j) reviewing the employment laws for requirements on a periodic basis and wherein the step of updating the created set, the created processes and the created documents occurs as a result of changes in the employment laws identified during the periodic reviews.
11. As per Claim 7, Fetherston discloses i) updating the created set of employment actions, the created processes and the created documentation based upon changes in business practices of the employer.
12. As per Claim 8, Fetherston discloses wherein the step of providing access to the process documentation comprises the steps of retrieving the process documentation from the presentation data store and sending the retrieved process documentation to an output device associated with the agent.
13. As per Claim 9, Fetherston discloses i) selecting one or more employment actions from the created set for inclusion in a list of employment actions impacting compliance with the employment laws; j) providing the agent with an employment action selection interface that allows the agent to select an employment action from the list via a user input device; and wherein the received interaction request is received from the provided employment action selection interface.
14. As per Claim 10, Fetherston discloses wherein the step of selecting one or more employment actions is based upon a relationship between the agent and the employer.

15. As per Claim 11, Fetherston discloses k) receiving agent identification information corresponding to the agent and l) determining the agent's relationship with the employer based upon the received agent identification information.
16. As per Claim 12, Fetherston discloses f) providing the agent with an employment action selection interface that allows the agent to select an employment action from a list of employment actions impacting compliance with the employment laws via a user input device; and wherein the received interaction request is received from the provided employment action selection interface.
17. As per Claim 13, Fetherston discloses g) receiving the list of employment actions from an employment law information source.
18. As per Claim 14, Fetherston discloses h) requesting the list from the employment law information source.
19. As per Claim 15, Fetherston discloses wherein the request to the employment law information source comprises information indicating a relationship between the agent and the employer.
20. As per Claim 16, Fetherston discloses wherein the information indicating the relationship between the agent and the employer comprises agent identification information corresponding to the agent from which the agent's relationship with the employer may be determined.
21. As per Claim 17, Fetherston discloses g) receiving a set of employment actions from an employment law information source and h) creating the list of employment actions from the received set of employment actions.

22. As per Claim 18, Fetherston discloses wherein the step of creating the list comprises the step of selecting one or more employment actions from the received set for inclusion in the list of employment actions.
23. As per Claim 19, Fetherston discloses wherein the step of providing access to the process documentation comprises the step of directing an output device associated with the agent to the process documentation via an employment law information source.
24. As per Claim 20, Fetherston discloses wherein the received interaction request is received from a human resources computer program begin executed by the agent.
25. As per Claim 21, Fetherston discloses wherein the step of providing access to the process documentation comprises the step of accessing an employment data store associated with the employer to retrieve employment data associated with at least one employee involved with the selected employment action.
26. As per Claim 22, Fetherston discloses wherein the step of providing access to the process documentation comprises the step of accessing an employment data store associated with the employer to store employment data associated with at least one employee involved with the selected employment action.
27. As per Claim 23, Fetherston discloses wherein the step of storing information related to the interactions of the agent comprises the step of accessing an employment data store associated with the employer to store employment data associated with at least one employee involved with the selected employment action.
28. As per Claim 24, Fetherston discloses f) providing access to employment sensitivity materials selected from the group consisting of employer policy statements, procedure

statements, training materials and combinations thereof to designated agents of employer;
g) monitoring each designated agent's interactions with the employment law sensitivity materials; and h) storing the monitored interactions in the compliance data store.

29. As per Claim 25, Fetherston discloses wherein the step of providing access to employment law sensitivity materials occurs on a periodic basis.
30. As per Claim 26, Fetherston discloses I) selecting the employment law sensitivity materials to which each designated agent is provided access based upon a relationship between the agent and the employer.
31. As per Claim 27, Fetherston discloses j) receiving agent identification information corresponding to the agent and k) determining the agent's relationship with the employer based upon the received agent identification information.
32. As per Claim 28, Fetherston discloses I) sending a notification to one or more designated agents to participate in employment compliance education (notification of training).
33. As per Claim 29, Fetherston discloses wherein the notification comprises a link to the employment sensitivity materials.
34. As per Claim 30, Fetherston discloses j) selecting one or more agents of the employer as designated agents to receive employment compliance education.
35. As per Claim 31, Fetherston discloses wherein the step of generating a compliance report comprises the step of generating an exception report whenever an interaction by an agent falls outside quantifiable and objective pre-set parameters.

36. As per Claim 32, Fetherston discloses wherein the step of generating a compliance report comprises the step of generating an exception report whenever a failure of an agent to interact falls outside quantifiable and objective pre-set parameters.
37. As per Claim 33, Fetherston discloses wherein the step of generating a compliance report comprises the step of generating a compliance report with respect to all instances of a particular employment action.
38. As per Claim 34, Fetherston discloses wherein the step of generating a compliance report occurs in response to a request and wherein the request comprises an indicator of a particular employment action.
39. As per Claim 35, Fetherston discloses wherein the step of generating a compliance report comprises the step of generating a compliance report with respect to a single instance of an application of a particular employment action.
40. As per Claim 36, Fetherston discloses wherein the step of generating a compliance report occurs at periodic intervals.
41. As per Claim 37, Fetherston discloses f) receiving a request for a compliance report from an agent of the employer and wherein the step of generating a compliance report occurs as a result of the received request.
42. As per Claim 38, Fetherston discloses wherein the received request comprises an indicator indicating one or more sorting criteria selected from the group consisting of agent name, date, time period, department, location, employee name, employment actions, type of activity and combination thereof. NON

43. As per Claim 39, Fetherston discloses wherein the request for compliance report comprises information indicating a relationship between the agent and the employer.
44. As per Claim 40, Fetherston discloses wherein the information indicating the relationship between the agent and the employer comprises agent identification information corresponding to the agent from which the agent's relationship with the employer may be determined.
45. As per Claim 41, Fetherston discloses g) providing a report request interface via which the agent may submit a compliance report request and wherein the received request for a compliance report is received from the provided interface.
46. As per Claim 42, Fetherston discloses wherein the provided interface allows the agent to select one or more criterion selected from the group consisting of agent name, date, time period department, location, employee name, employment action and type of activity and to submit an indicator of the selected one or more criterion as part of a compliance report request.
47. As per Claim 43, Fetherston discloses wherein each output device associated with a report agent is of a type selected from the group consisting of printer, printer with hard copy forward, facsimile machine, telephone, email account and computer.
48. As per Claim 44, Fetherston discloses wherein the output device associated with a selected report agent is a printer with a hard copy, forward and further comprising the step of f) forwarding the generated report sent to the printer to the selected report agent via a delivery mechanism selected from the group consisting of courier service, postal service and facsimile.

49. As per Claim 45-67, Fetherston fails to expressly disclose utilizing the compliance management program for employee selection, investigating an employee, regular performance evaluation, introductory performance evaluation, corrective action, ADA analysis, FMLA management, workplace violence prevention, employment relationship classification, overtime exemption classification, reductions in force (WARN checklist, OWBPA Checklist).
50. However, Fetherston does disclose using the compliance management program to facilitate and manage compliance programs required by legislation or established through management objectives to benefit the organization (Para 0002), and employee selection, investigating an employee, regular performance evaluation, introductory performance evaluation, corrective action, ADA analysis, FMLA management, workplace violence prevention, employment relationship classification, overtime exemption classification, reductions in force (WARN checklist, OWBPA Checklist) were well known by one of ordinary skill in the art at the time the invention was made as areas of legislatively regulated employee management.
51. Furthermore, the limitations are design choices that are known in employment regulation and other electronic activity; and to modify Fetherston to incorporate the limitations would have been obvious to one of ordinary skill in the art to produce a desired result.
52. As per Claim 68, Fetherston discloses wherein the received interaction request further comprises agent identification information and further comprising the step of g) verifying that the agent has authority to perform tasks associated with the selected employment action.

53. As per Claim 69, Fetherston discloses wherein the step of verifying the authority comprises the step of accessing a human resources database associated with the employer based upon the agent identification information.
54. As per Claim 70, Fetherston discloses wherein the received interaction request farther comprises verification information and wherein the step of verifying the authority comprises the steps of: i) accessing stored verification information associated with the agent from an agent data store based upon the agent identification information; and ii) comparing the verification information with the stored verification information.
55. As per Claim 71, Fetherston discloses g) providing an administrative interface to an administrative agent via which the administrative agent may enter information associated with a new agent and h) receiving from the administrative interface the entered information associated with the new agent; and i) storing the received information associated with the new agent in an agent data store.
56. As per Claim 72, Fetherston discloses wherein the received information associated with the new agent comprises agent identification information associated with the new agent.
57. As per Claim 73, Fetherston discloses wherein the received information associated with the new agent further comprises verification information associated with the new agent.
58. As per Claim 74, Fetherston discloses wherein the received information associated with the new agent further comprises an indication of employment action for which the new agent has authority.
59. As per **independent Claim 75**, Fetherston discloses A system for facilitating compliance with employment laws having varying requirements, and establishing such compliance,

the system comprising: a) a system data store comprising: i) a compliance data store for storing interactions of agents of an employer with process documentation; b) a link to a communication channel allowing communication with agents of an employer; c) a system processor in communication with the system data store and the link, wherein the system processor executes one or more processes that perform tasks comprising of: i) receiving a request to interact from an agent of an employer, wherein the received interaction request comprises an action indicator corresponding to a selected employment action; ii) providing access to process documentation related to a process associated with the selected employment action, wherein the process is designed to minimize potential for non-compliance with the employment laws, wherein the process documentation guides the agent through the process via interactions between the agent and the process documentation via the user input and output devices; iii) storing information related to agent interactions with the process documentation in the compliance data store; iv) generating a compliance report based upon the stored interaction information (Para 0012, Claim 1-2).

60. Fetherston fails to expressly disclose sending the generated compliance report to one or more report agents of the employer via an output device associate with each.
61. However, Fetherston does disclose wherein generating reports required to render the organization compliant to legislative requirements (Para 0012, Claim 2), and it would have been obvious to one of ordinary skill to further forward the report to a **“report agent” for record keeping and data verification purposes.**

62. As per Claim 76, Fetherston discloses wherein the communication channel is selected from the group consisting of computer network, direct serial or parallel connection, dial-up connection, wireless connection, bus connection and combinations thereof
63. As per Claim 77, Fetherston discloses wherein the communication channel is the Internet.
64. As per Claim 78, Fetherston discloses wherein the system data store has an architecture selected from the group consisting of a flat fee, a hash table, a database and combinations thereof.
65. As per Claim 79, Fetherston discloses wherein the system data store comprises a database and wherein the database has an organization selected from the group consisting of hierarchical, object-oriented, relational, object-relational, spatial and combinations thereof.
66. As per Claim 80, Fetherston discloses wherein the system data store comprises a plurality of storage subsystems.
67. As per Claim 81, Fetherston discloses wherein the system data store further comprises a content data store for storing process documentation.
68. As per Claim 82, Fetherston discloses wherein the system data store further comprises an agent data store for storing information associated with agents of employers.
69. As per Claim 83, Fetherston discloses wherein the system data store further comprises a content data store.
70. As per Claim 84, Fetherston discloses wherein the system data store comprises at least one data processor, wherein the at least one data processor is in communication with the system processor and receives and services data requests from the system processor.

71. As per Claim 85, Fetherston discloses wherein the system processor comprises a plurality of processing elements, wherein each of the processing elements runs processes that perform a subset of tasks i) through v) and wherein the union of the subsets of task performed by the processes executing on the plurality of processing elements comprises all tasks i) through v).
72. As per Claim 86, Fetherston discloses wherein the link is of a type selected from the group consisting of a modem, a serial or parallel interface, a computer network interface, a bus interface and combinations thereof.
73. As per Claim 87, Fetherston discloses wherein the link further interfaces with a communication channel allowing communication with an employment information source.
74. As per Claim 88, Fetherston discloses a second link to a communication channel allowing communication with an employment information source.
75. As per Claim 89, Fetherston discloses wherein the system processor performs the further tasks comprising of: 9 providing access to employment law sensitivity materials selected from the group consisting of employer policy statements, employer procedure statements, training materials and combinations thereof to designated agents of employer; g) monitoring each designated agent's interactions with the employment law sensitivity materials; and h) storing the monitored interactions in the compliance data store.
76. As per **independent Claim 90**, Fetherston discloses A computer readable storage environment storing instructions that upon execution by one or more system computers cause the one or more system computers to facilitate compliance with employment laws

having varying requirements, and establish such compliance, by performing the steps comprising of: a) receiving a request to interact from an agent of an employer, wherein the received interaction request comprises an action indicator corresponding to a selected employment action; b) providing access to process documentation related to a process associated with the selected employment action, wherein the process is designed to minimize potential for non-compliance with the employment laws, wherein the process documentation guides the agent through the process via interactions between the agent and the process documentation via the user input and output devices; c) storing information related to agent interactions with the process documentation in a compliance data store; d) generating a compliance report based upon the stored interaction information (Para 0012, Claim 1-2).

77. Fetherston fails to expressly disclose sending the generated compliance report to one or more report agents of the employer via an output device associate with each.

78. However, Fetherston does disclose wherein generating reports required to render the organization compliant to legislative requirements (Para 0012, Claim 2), and it would have been obvious to one of ordinary skill to further forward the report to a **“report agent” for record keeping and data verification purposes.**

79. As per Claim 91, Fetherston discloses wherein the storage environment comprises at least one storage device of a type selected from the group consisting of RAM, ROM, hard disk drive, removable magnetic diskette, optical diskette and combination thereof.

80. As per Claim 92, Fetherston discloses wherein the storage environment comprises a plurality of storage devices, wherein each of the plurality of storage devices is of a type

selected from the group consisting of RAM, ROM, hard disk drive, removable magnetic diskette, optical diskette and combination thereof.

81. As per Claim 93, Fetherston discloses storing further instructions that upon execution by one or more system computers cause the one or more system computers to perform the steps comprising of: f) providing access to employment law sensitivity materials selected from the group consisting of employer policy statements, employer procedure statements, training materials and combinations thereof to designated agents of employer; g) monitoring each designated agent's interactions with the employment law sensitivity materials; and h) storing the monitored interactions in the compliance data store.

82. As per **independent Claim 94**, Fetherston discloses A system for facilitating compliance with employment laws having varying requirements, and establishing such compliance, the system comprising: storage means for at least storing interactions of agents of an employer with process documentation; b) linking means for allowing communication with agents of an employer via a communication channel; c) processing means in communication with the storage and linking means for: i) receiving a request to interact from an agent of an employer, wherein the received interaction request comprises an action indicator corresponding to a selected employment action; ii) providing access to process documentation related to a process associated with the selected employment action, wherein the process is designed to minimize potential for non-compliance with the employment laws, wherein the process documentation guides the agent through the process via interactions between the agent and the process documentation via the user input and output devices; iii) storing information related to agent interactions with the

process documentation in the compliance data store; iv) generating a compliance report based upon the stored interaction information (Para 0012, Claim 1-2).

83. Fetherston fails to expressly disclose sending the generated compliance report to one or more report agents of the employer via an output device associate with each.

84. However, Fetherston does disclose wherein generating reports required to render the organization compliant to legislative requirements (Para 0012, Claim 2), and it would have been obvious to one of ordinary skill to further forward the report to a **“report agent” for record keeping and data verification purposes.**

85. As per Claim 95, Fetherston discloses wherein the processing means is for further f) providing access to employment law sensitivity materials selected from the group consisting of employer policy statements, employer procedure statements, training materials and combinations thereof to designated agents of employer; g) monitoring each designated agent's interactions with the employment law sensitivity materials; and h) storing the monitored interactions in the storage means.

Response to Arguments

86. Applicant's arguments with respect to claims 1-95 have been considered but are moot in view of the new ground(s) of rejection.

87. As per Independent Claims 1, 75, 90, and 94, the Applicant has made the argument that the prior art of Fetherston fails to expressly disclose a guided decision making capability (interactions between the agent and the process documentation) as described in the independent claims.

88. However, Fetherston discloses a system “wizard” to help the user through the decision making process (Fig.5). A wizard system, is a computerized method of guiding system users step-by-step through an automated process.
89. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., “the limitations requires interactivity with the process documentation with potential branching within the process documentations based upon prior interactions”) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
90. As per Claims 13-19 and 75-76, the Applicant has made the argument that the prior art of Fetherston fails to expressly disclose use of an employment law information source.
91. However, as described by the Applicant, Fetherston discloses a master database for storing compliance criteria, Para 0012 (equivalent to employment law information source – external source not claimed).
92. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., “require communication with an *external source of compliance information*”) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

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93. As per claims 45-67, the Applicant has made the argument that the claimed limitations would not have been common knowledge to one of ordinary skill in the art.

94. However, the claimed limitations describe uses for the instant invention, such as: investigating an employee and a performance evaluation, which were well known forms of employment management at the time the invention was made.

Conclusion

95. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.

96. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.

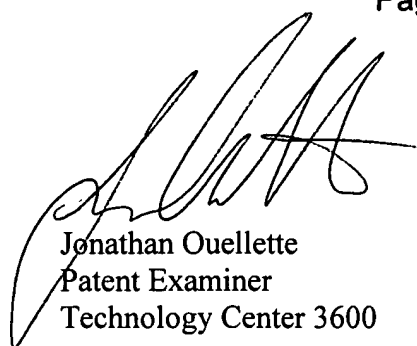
97. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (703) 308-1202.

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Jonathan Ouellette
Patent Examiner
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